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May 26, 2022

VIA ECF

Honorable Lewis J. Liman, USDJ
United States District Court, Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re.: Assure Global, LLC v. Anderson and Axxeum, LLC
Docket No.: 21-CV-5785 (LJL); File No.: L3101

Dear Judge Liman:

The Russell Friedman Law Group, LLP represents Plaintiff Assure Global, LLC in connection with the above-referenced matter.

This letter is in response Your Honor's Opinion and Order, dated May 24, 2022, stating the following:

OPINION AND ORDER: This action was filed on July 6, 2021. Dkt. No. 1. The complaint invokes diversity jurisdiction pursuant to 28 U.S.C. § 1332, but it does not specify the citizenship of Defendant Axxeum, LLC, Plaintiff Assure Global, LLC, or their members. See *Handelsman v. Bedford Vill. Assocs. Ltd. P'ship*, 213 F.3d 48, 51-52 (2d Cir. 2000) (stating that, for diversity purposes, a limited liability company has the citizenship of each of its members and a limited partnership has the citizenship of each of its general and limited partners). Plaintiff is directed to file a letter with the Court by June 7, 2022 showing cause why the complaint should not be dismissed for failure to plead diversity jurisdiction. If Plaintiff cannot do so, the complaint will be dismissed without prejudice, and the pending motion for default judgment will be dismissed as moot. (Signed by Judge Lewis J. Liman on 5/24/2022) (rro)

We hereby submit that Plaintiff Assure Global, LLC is a limited liability company with five (5) members. The members are: Michael Sinensky and Erika London, both domiciled in New York; Amy Bove, domiciled in New Jersey; Katharine Harris, domiciled in Texas; and Roman Vintfeld, domiciled in Puerto Rico.



In addition, as set forth in paragraph 3 of the Complaint, Assure Global, LLC is itself domiciled within the State of New York.

As set forth in paragraphs 2 and 5 of the Complaint, each of the Defendants are domiciled in the State of Pennsylvania and have at no time been domiciled in the State of New York.

Therefore, it is respectfully requested that the instant action *not* be dismissed and that this Honorable Court rule on Plaintiff's pending Motion for Default Judgment.

Respectfully yours,
THE RUSSELL FRIEDMAN LAW GROUP, LLP

By: /s/Richard Pawelczyk
Richard Pawelczyk, Esq.

RP/dm

cc: All parties, via ECF

The Court's May 24, 2022 Order directed Plaintiff to show cause why the complaint should not be dismissed for failure to plead diversity jurisdiction. Although Plaintiff's letter sets forth what may be a valid basis for such jurisdiction, those facts are not pleaded in the operative complaint on which Plaintiff seeks default judgment. Accordingly, the complaint is DISMISSED without prejudice for failure to plead diversity jurisdiction, and the motion for default judgment at Dkt. No. 25 is DISMISSED as moot.

If Plaintiff wishes to file an amended complaint, it must do so within thirty (30) days of this Order or the case will be closed.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 25.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Lewis J. Liman', written over a horizontal line.

LEWIS J. LIMAN
United States District Judge

Date: June 2, 2022
New York, NY